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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,623	06/18/2001	Pavitra Subramaniam	5306P016	4377

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,623

Applicant(s)

SUBRAMANIAM ET AL.

Examiner

Haythim J. Alaubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed on January 20, 2004.
2. Claims 1-31 are presented for examination following the amendment of January 20, 2004.
3. Independent Claims 1, 10, 16, 21 and 27 are rejected based on double patenting.
4. Claims 1-31, are rejected under 35 U.S.C. 103(a)

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1, 10 and 27, are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10, of U.S. Patent No. 6,711,565. Except for a keyword search feature. The Examiner takes official notice

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that this feature was notoriously well known to include keyword searching in database mining systems as claimed in claims **1**, **10** and **27** of the instant Application.

Hence, it would have been obvious to include a keyword search feature in Patent No. 6,711,565. The motivation would be to have a well-functioning mining system and to increase the flexibility of the system by adding other search methods, such as (keyword searching).

7. Claims 2, 4-9, 11-15 and 29-30, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 4-5 of U.S. Patent No. 6,711,565. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following table shows the dependent claims in the instant Application No. 09/883,623 that are rejected by corresponding claims in the U.S. Patent No. 6,711,565:

Claims Comparison Table

<u>Application 09/883,623</u>	<u>U.S. Patent No. 6,711,565</u>
2 and 28	2
4-6, 11-13	5

7-8, 14 and 29 are similar in scoop to	1
9, 15 and 30	4

Regarding Claims 3 and 31, with regard to the refining feature, The Examiner takes official notice that this feature was notoriously well known in the art of database searching, and including this well known feature would not bring the Application to the level of patentability.

Hence, it would have been obvious to include a refining of a search feature in Patent No. 6,711,565. The motivation would be to have a well-functioning mining system and to increase the flexibility of the system by adding other search methods, such as (refining search results).

8. Claims **16** and **21**, are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim **5** of U.S. Patent No. 6,711,565. Except for a keyword search feature. The Examiner takes official notice that this feature was notoriously well known to include keyword searching in database mining systems as claimed in claims **16** and **21** of the instant Application.

Hence, it would have been obvious to include a keyword search feature in Patent No. 6,711,565. The motivation would be to have a well-functioning mining system and to increase the flexibility of the system by adding other search methods, such as (keyword searching).

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9. Claims 17, 19-20, 22 and 24-26, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 4 and 16, of U.S. Patent No. 6,711,565. Although the conflicting claims are not identical, they are not patentably distinct from each other.

10. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented

The following table shows the dependent claims in the instant Application No. 09/883,623 that are rejected by corresponding claims in the U.S. Patent No. 6,711,565:

Claims Comparison Table

<u>Application 09/883,623</u>	<u>U.S. Patent No. 6,711,565</u>
17 and 22	2
19 and 24-25 are similar in scope to	16
20, 26	4

Regarding Claims 18 and 23, with regard to the refining feature, The Examiner takes official notice that this feature was notoriously well known in the art of database searching, and including this well known feature would not bring the Application to the level of patentability.

Hence, it would have been obvious to include a refining of a search feature in Patent No. 6,711,565. The motivation would be to have a well-functioning mining system and to increase the flexibility of the system by adding other search methods, such as (refining search results).

Response to Arguments

11. Applicant's arguments, filed January 20, 2004, with respect to the rejection(s) of claim(s) 1-31, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-31, are rejected under 35 U.S.C. 103(a) as being unpatentable by Michael Edward Moran (U.S. Patent No. 6,014,662 and Moran hereinafter) in view of John M. Kessenich (U.S. Patent No. 6,292,802 and Kessenich hereinafter).

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Regarding Claims 1, 10, 16 and 27, Moran discloses:

receiving search criteria entered by a user (Col 2, Lines 19-20; see also Col 5, Lines 8-14; see also Col 6, Lines 11-13, i.e. the system awaits 1302 the choosing of a category by the user)

searching a database for data record matching the search criteria (Col 5, Lines 41-45; see also Col 5, Lines 50-51; see also Col 6, Lines 13-14, i.e. a search is performed for the category)

generating search results (Col 6, Line 14-15, i.e. and the category is displayed 1304 in the book format; see also Col 3, Lines 56-59)

Moran reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the keyword searching nor does it explicitly indicate the caching feature. However Kessenich discloses keyword searching (Figure 5, Element 416 and corresponding text) and caching the search result (Col 18, Lines 34-59). Given the intended broad application of Moran's system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Moran with the teachings of Kessenich to include keyword searching as it is the most popular and the most well known search for database mining, caching the results would almost be inherent¹. The motivation would be to have

¹ The Examiner would like to explain that almost any search on a database that return results would be cached inherently in the memory, as it is known to be displayed on a terminal of the user and it should stay displayed because it was cached in memory when the results were received. This is also include the feature of terminating the session. If the user keeps displaying the results on screen or even if he/she modified the screen (minimized the view, or further refined the search) the result (that were cached in memory) will still be available to the user, and will not be lost, unless the user terminate the session, like

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a well-functioning mining system and to increase the flexibility of the system by adding other search methods (keyword searching) and to increase the system performance, by searching (refining) the search results that were cached in memory instead of running another search.

Regarding Claims 2, 17 and 22, Moran discloses receiving search category (Col 6, Lines 57-61).

Regarding Claims 3, 18, 23 and 31, Kessenich discloses refining search results (Col 13, Lines 29-33)

Regarding Claim 4, Moran discloses passing the received search criteria to a virtual business component (Col 3, Lines 11-27; see also Col 6, Lines 24-30)².

Regarding Claim 5, Moran discloses passing the received search criteria from the virtual business component to a search execution business service ³, (Col 2, Lines 54-55), i.e.

FIG. 12 is a block diagram of a search engine in accordance with the present invention.

for example, close the window. Example, searching for a keyword on any search engine on the Internet and further refining the results, also the user can click the "Back" button to go back to prior results and they should be still available as it was cached in memory.

² The Examiner would like to bring the Applicant's attention to the reason why the citation of Col 3, Lines 11-27 were cited and it's connection to the meaning of the "Virtual Business Component", the Examiner is basing this reason to what is in the Specification of the instant application (please see Page 41, Lines 6-14, i.e. external data).

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Regarding Claims 6 and 13, the limitations of these claims have been noted in the rejected claim No. 1, above. In addition Moran discloses using a search execution business service to search the database (Col 3, Lines 11-27).

Regarding claims 7 and 14, the limitations of these claims are similar in scope to the rejected claim 1, above. They are therefore rejected as set forth above.

Regarding Claims 8, 19, 25 and 29 Moran discloses caching the search result until termination of a user session (Col 6, Lines 17-23) [see also footnote No. 1], i.e.

The user can select a new category 1307 if the first selection was inappropriate, or has exhausted resources of a selected category 1309. Closing 1310 of the book to end 1311 the display or to select another book 1312 is a choice the user can make at any time during the process. Once a book has been closed, another book can be selected.

Regarding claims 9, 15, 20, 26 and 30, the limitations of this claim is similar in scope to the rejected claim 1, above. They are therefore rejected as set forth above.

Regarding claim 11, the limitations of this claim are similar in scope to the rejected claims 2 and 4, above. It is therefore rejected as set forth above.

Regarding claim 12, the limitations of this claim are similar in scope to the rejected claims 3 and 5, above. It is therefore rejected as set forth above.

Regarding claim 21, the limitations of this claim are similar in scope to the rejected claims 1 and 4, above. It is therefore rejected as set forth above.

Regarding claim 24, the limitations of this claim are similar in scope to the rejected claims 1 and 7, above. It is therefore rejected as set forth above.

³ Please note that the Examiner is interpreting the "search execution business service" as a Search

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Regarding claim 28, the limitations of this claim are similar in scope to the rejected claims 2 and 3, above. It is therefore rejected as set forth above.

Points of Contact

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Haythim J. Alaubaidi

Patent Examiner
Technology Center 2100
April 5, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Engine.